

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NWDC RESISTANCE and COALITION OF
ANTI-RACIST WHITES,

Plaintiffs,

v.

IMMIGRATION & CUSTOMS
ENFORCEMENT, MATTHEW T. ALBENCE,
in his official capacity as Acting Director of
Immigration and Customs Enforcement; and
KEVIN MCALEENAN, in his official capacity
as Acting Secretary of Homeland Security,

Defendants.

No. 3:18-cv-05860-JLR

**DECLARATION OF MARU MORA
VILLALPANDO IN RESPONSE TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

Noted for Consideration: December 1,
2023

I, Maru Mora Villalpando, declare:

1. I make this declaration based on personal knowledge. If called as a witness, I could testify competently to the facts in this declaration.

2. I helped found NWDC Resistance in 2014 and I continue to be one of its leaders. Now called La Resistencia, this Seattle-based organization is led by undocumented immigrants and seeks to end detention and deportation and to support detainees. La Resistencia formed to help individuals detained at the Northwest Detention Center ("NWDC," which is now called the Northwest ICE Processing Center) by supporting hunger strikes, working with family members, donating funds, and building public awareness of the hardships

1 they face. La Resistencia has also worked closely with federal, state, and local officials to push
2 for changes to immigration policy.

3 3. La Resistencia is also one of the plaintiffs in this lawsuit. In this role, I have
4 worked closely with Coalition of Anti-Racists Whites ("CARW"), which is also a plaintiff.

5 4. In the five years this lawsuit has been pending, La Resistencia has continued its
6 mission to end the detention and deportation of undocumented immigrants through advocacy
7 actions, including coordinating and leading hunger strikes; organizing communities; working
8 with affected families; accompanying immigrants to Immigration Court proceedings and
9 Immigration and Custom Enforcement ("ICE") check-ins; running advocacy campaigns to stop
10 deportations and protests of ICE enforcement policies and practices; media engagement; and
11 education the public about ICE's practices. La Resistencia's members include undocumented
12 and documented individuals, some of whom are, have been, or are related to individuals who
13 have been detained at the NWDC.

14 5. La Resistencia's members continue to face the threat of retaliatory enforcement action
15 by ICE, which has disrupted La Resistencia's ability to fulfill its mission. Undocumented people and
16 other individuals who share La Resistencia's views have been and remain afraid of being associated
17 with La Resistencia because of ICE's practice of targeting activists. One such former member,
18 Melesio Morales Mata, agreed to be identified in this case and was deposed regarding his decision to
19 withdraw from La Resistencia due to this fear of retaliation.

20 6. Other individuals have also come forward to describe their fear of facing retaliation
21 due to their association with La Resistencia. For example, I understand that on the morning of May
22 13, 2022, 13 people detained at NWDC began a hunger strike to protest a long series of indignities
23 suffered inside the prison. This includes a two-year failed response to COVID as well as reports of
24 sexual abuse and assaults by detention authorities.

25 7. On May 14 and 15, 2022, La Resistencia organized solidarity days outside
26 NWDC with an immigrant justice caravan from Oregon. Following a rally during the solidarity
27 days, about 25 guards dressed in riot gear with drawn weapons went into the unit where the

1 hunger strike began and forcibly placed three of the strikers and one other individual in solitary
2 confinement. I learned about this the following morning when one of the targeted strikers,
3 David Martinez Garcia, called me. Mr. Martinez Garcia submitted a declaration describing this
4 event. Martinez Garcia Decl. [Dkt. 106] ¶¶ 2-7.

5 8. Although I have heard of other instances of retaliation that chilled participation
6 in our organization, La Resistencia cannot do the work that it does if individuals wishing to
7 remain anonymous are identified—whether in connection with a news article, protest, or even a
8 lawsuit. For that reason, La Resistencia has made the difficult to decision to withdraw and not
9 rely on allegations that would have required it to identify the individuals involved.

10 9. Mr. Martinez Garcia also told me that a prison official met with the hunger strikers
11 prior to the incident with the SWAT team who stormed the facility. The official was angry and
12 said, “I know Maru.” The official also noted that I had made statements to the media. Mr.
13 Martinez Garcia told me he believed the move to solitary confinement was motivated by my
14 statements to the media and the strikers’ association with La Resistencia.

15 10. La Resistencia relies heavily on information from NWDC detainees and their
16 families to fulfill the group's mission to combating and inform the public about unjust ICE
17 policies and practices. La Resistencia works to tell the stories of detainees and their families in
18 the media, but incidents like this one chill people from coming forward or makes those who
19 share their stories unwilling to publicize their names, which makes it difficult for La
20 Resistencia to humanize the stories and create the impact we aim for as part of our mission.

21 11. In 2019, La Resistencia invested a lot of time and resources creating new safety
22 protocols, connecting with other groups to exchange ideas for protecting members, and
23 participating in safety training. CARW helped La Resistencia locate an organization that could
24 provide training on security during public events. CARW also serves as La Resistencia’s
25 liaison with groups that provide training for La Resistencia’s members. For events we plan, La
26 Resistencia has created a “buddy” program so nobody leaves alone. La Resistencia also now
27 has observers present at any public event to watch the crowd and identify potential ICE agents

1 or anything else of concern. All of this effort adds another layer of planning to every event we
2 put together. It also requires more volunteers. La Resistencia has had to add a separate team to
3 manage safety protocols like these. Members of CARW participate as observers and help escort
4 La Resistencia members as part of the “buddy” program.

5 12. La Resistencia has also responded and continues to devote resources to
6 addressing ICE’s pattern or targeting activists around the country. La Resistencia regularly
7 coordinates with others who have been targeted. Our organization maintains contact with at
8 least three people around the country who have been targeted by ICE in order to support their
9 work and their individual enforcement cases. In 2018, La Resistencia also helped put together
10 a panel for the Inter-American Commission for Human Rights featuring six activists who had
11 been targeted by ICE as a result of their anti-ICE speech and conduct.

12 13. All these measures divert time and resources that La Resistencia and CARW
13 could otherwise devote to assisting detainees, raising awareness, or furthering their core
14 missions in other ways.

15 14. I have also observed that emails, phone calls, and video calls between La
16 Resistencia members and individuals in detention at NWDC are often blocked during hunger
17 strikes. A hunger strike is currently occurring at NWDC, and La Resistencia members have
18 reported difficulty calling or receiving calls from individuals participating in the hunger strike.
19 Due to the timing of these occurrences, it is my belief that NWDC is blocking these
20 communications in order to interfere with La Resistencia’s efforts to organize and provide
21 support for the hunger strikers.

22 15. La Resistencia is also currently supporting an individual who was sexually
23 assaulted at NWDC. The individual filed a complaint regarding the assault, and La Resistencia
24 has been working on his case. On September 11, 2023, I received a message from the
25 individual that he had been taunted by a guard about his association with me and La Resistencia
26 while speaking about his case.

Executed this 27th day of November, at Seattle, WA [City/State]

7C7CB14D1C95450
Maru Mora-Villalpando

Davis Wright Tremaine LLP
LAW OFFICES
920 Fifth Avenue, Suite 3300
Seattle, WA 98104-1610
206.622.3150 main · 206.757.7700 fax